NIKOLAI MIRONOV

THE LEGAL STATUS OF FOREIGN CITIZENS IN THE USSR

NIKOLAI MIRONOV

THE LEGAL STATUS OF FOREIGN CITIZENS IN THE USSR

Novosti Press Agency Publishing House
Moscow, 1983

INTRODUCTION

> "Citizens of other countries
> and stateless persons in the USSR
> are guaranteed the rights and
> freedoms provided by law, including
> the right to apply to a court and other
> state bodies for the protection of their
> personal, property, family and
> other rights.
> "Citizens of other countries
> and stateless persons, when in the USSR,
> are obliged to respect the Constitution
> of the USSR and observe Soviet laws."
>
> *Article 37, Constitution of the USSR*

In keeping with the principle, current in international law, of the observance of democratic rights and freedoms, every state is obliged to grant the basic rights and freedoms to all persons residing within its territory, including aliens. This principle was further specified and developed in the International Covenants on Human Rights in 1966. The USSR and the other socialist countries have ratified and are implementing them in practice.

The Final Act of the Conference on Security and Co-operation in Europe signed at Helsinki in 1975 states that the signatory States consider the development of contacts between people "to be an important element in the strengthening of friendly relations and trust among peoples". Such contacts between peoples should help introduce in each country corresponding legal status for aliens and provide guarantees enabling them to enjoy the rights and freedoms proclaimed.

In 1981, the Soviet Union passed a law on the legal status of aliens in the USSR. In keeping with the Constitution of the USSR of 1977 and with the international commitments the USSR has assumed, this law not only pro-

claims, defines and consolidates the broad democratic rights, freedoms and duties of aliens in the USSR, but also establishes legislative guarantees for the realisation of these rights and freedoms.

In this pamphlet we discuss the rights and freedoms aliens enjoy in the USSR, and also the duties they must discharge.

SOVIET CITIZENSHIP AND THE RIGHTS OF ALIENS

What do the terms "aliens, foreign citizens, and stateless persons" mean? It is obvious that aliens are persons who are not citizens (subjects) of the state in which they reside. The term "alien" is a collective term denoting both citizens of any state other than the one in which they reside and also persons who have no citizenship, i.e. stateless persons. The latter is the term used in international practice to denote persons without citizenship.

The condition of statelessness usually arises when citizenship laws vary between countries, when a person renounces his citizenship or is deprived of it without acquiring new citizenship. There are, for instance, states which adhere to the discriminatory principle of a wife accepting the citizenship of her husband (this principle is still in effect in some Western countries) if she marries a foreigner. Now, if the law of her husband's country does not automatically grant her citizenship through marriage, she will become a stateless person because, as soon as she marries a foreigner, she loses her former citizenship under the law of her country, but does not acquire new citizenship under the law of her husband's country.

Under current international law the legal status of stateless persons should, in principle, almost coincide with that of foreign citizens, except that they are not entitled to diplomatic protection by their native country and that they do not enjoy additional rights granted to foreigners through international agreements concluded between their native state(s) and their state of residence.

As a legal category, citizenship or status of subject is an expression of an individual's political and legal connection with a state. At this point we should note that every

historical type of state has produced a citizenship status of a specific type.

Soviet citizenship is a legal category which has existed since the Great October Socialist Revolution of 1917. This totally new legal category indicated that a given person belonged to a socialist state, to socialist society, and it determined his legal status both at home and abroad.

Soviet Russia was declared a Republic of Soviets of Workers', Soldiers' and Peasants' Deputies, all power both in the centre and in the provinces being vested in these Soviets. In the new-born Soviet Republic the All-Russia Congress of Soviets was the highest body of state power, and in the period between congresses—the All-Russia Central Executive Committee, and later, after the formation of the Union of Soviet Socialist Republics (USSR) in 1922, the Central Executive Committee of the USSR. The affairs of the country were administered by the Council of People's Commissars—i.e. the government.

To proclaim and consolidate the principles of the new political and social system, of home and foreign policy, the political, socio-economic and cultural rights of Soviet citizens the Soviet state issued a series of legislative acts. These were the Declaration of Rights of the Peoples of Russia (November 15, 1917), the Decree on the Abolition of Estates and Civilian Ranks (those who had belonged to or held them were henceforth known as citizens of the Russian Republic) of the All-Russia Central Executive Committee of November 23, 1917, the Decree on the Acquisition of Rights to Russian Citizenship of the All-Russia Central Executive Committee of April 1, 1918, the Appeal to All the Working Moslems of Russia and the East of December 3, 1917 and the Declaration of Rights of the Toiling and Exploited People of January 25, 1918. The first Soviet Constitution adopted by the Fifth All-Russia Congress of Soviets in July 1918 was a document of particular importance in this respect.

Vladimir Lenin, founder of the Soviet state, characterised the essence and effectiveness of Soviet democracy as the constant, indispensable and crucial participation of the masses in the democratic administration of the state, of those people "who even in the most democratic bourgeois republics, while possessing equal rights by law, have in fact

been debarred by thousands of devices and subterfuges from participation in political life and enjoyment of democratic rights and liberties..."

Once the Soviet state had proclaimed and legislatively consolidated the rights, freedoms and duties of its citizens, it immediately started to create a material base for their realisation. To this end it introduced by legislative acts socialist public ownership of the means of production which made these rights a reality. Socialist national ownership of land, mineral resources and the means of production made real and guaranteed both political and socio-economic rights.

The proclamation and provision of economic, social and cultural rights, the outlawing of exploitation of man by man and of appropriation of the results of other people's labour meant that nominal equality became actual equality and provided a material base for ensuring political rights and freedoms.

Being internationalist in character, the proletarian revolution could not but extend the main socio-economic and other rights and freedoms of Soviet citizens to foreign citizens residing in the Soviet Republic. The first Soviet Constitution of 1918 solved several important questions concerning the status of aliens, such as the granting of asylum (Article 21). Even before that, on March 28, 1918, the All-Russia Central Executive Committee issued the Decree on the Right of Asylum. The Constitution, in addition, covered the granting of Soviet citizenship to alien working people (Article 20) and questions bearing on the competence of supreme bodies of state power to regulate the legal status of aliens in the Soviet state (Article 49). Subsequent legislative acts settled many other matters concerning the legal status of aliens in the Soviet Union.

The first Soviet Labour Code published in December 1918 granted working aliens equal rights and duties in labour with Soviet citizens. In keeping with the Statute on the Social Security of Working People approved by the Council of People's Commissars on October 31, 1918, aliens had an equal right with Soviet citizens to social security, provided their own labour was their source of subsistence, i.e. provided they did not exploit the labour of other people. Insofar as civil law and civil procedure were concerned, the All-Russia Central Executive Committee Decree on Basic

Private Property Rights Recognised by the Russian Soviet Federative Socialist Republic (RSFSR) and Protected by the Laws and by Courts of Law of the RSFSR (dated May 22, 1922) listed the basic property rights of aliens in the Russian Federation. In addition, the Decree extended to aliens lawfully residing within the territory of the Russian Federation the entire range of civil rights enjoyed by Soviet citizens.

The aforementioned and other legal acts taken together determined the status of foreign citizens in the Soviet Republic. From the outset this status was characterised by real broad democratic rights and freedoms granted to aliens. These rights and freedoms were widely enjoyed both by aliens permanently residing or temporarily staying in the country.

Foreign refugees who had fled from areas affected by hostilities in the First World War and also prisoners-of-war accounted for many of the latter.

During the Civil War and foreign military intervention (1918-1920) tens of thousands of internationalists from among former prisoners-of-war and other aliens who happened to be in Russia volunteered to fight on the side of the revolutionary masses of the Soviet Republic. Polish, Czechoslovak, Hungarian, German, Serbian, Romanian, Korean and Turkish detachments, battalions and regiments were formed.

After the Civil War internationalists from other countries came to the Soviet Republic to assist in the rehabilitation and development of the war-ravaged economy.

Foreign business people visited the Soviet Republic, foreign engineers and technicians worked in its industries, foreign writers and members of the cultural and art worlds also came to the country.

By the mid-1930s the USSR had built up socialism in the main. The Constitution of the USSR of 1936 considerably broadened the scope and content of the rights and freedoms enjoyed by Soviet citizens. This, naturally, led to the extension of the rights and freedoms granted to resident aliens. It is obvious that, although resident aliens enjoyed broad democratic rights and freedoms in the USSR, their rights and duties were not identical with those of Soviet citizens. Aliens were never liable for and are not now liable for military service. Nor do they have the right to

vote. They cannot hold posts which require Soviet citizenship. Unless they have a special license they cannot fish commercially in Soviet water bodies, etc. With the few restrictions specified by law, however, aliens are granted, in principle, equal rights with Soviet citizens.

FOREIGN CITIZENS IN THE USSR

The Law on the Legal Status of Foreign Citizens in the USSR adopted by the USSR Supreme Soviet on June 24, 1981, and in force as of January 1, 1982, introduced a new stage in Soviet legislation on aliens.

This Law was necessitated by the USSR's growing relations with other countries. Large numbers of aliens are residing permanently or staying temporarily in the USSR. Foreigners come to the USSR to work, to conclude transactions, to sign contracts, to attend art festivals, for holidays and for medical treatment, to visit their relatives and acquaintances and to settle private affairs. Tourism has expanded enormously. It should be mentioned that the Conference on Security and Co-operation in Europe, held at Helsinki in 1975, played an important role in promoting business cooperation in all spheres and international tourism. In 1976-80 the number of foreign citizens visiting the USSR increased by 60 per cent totalling close to 25 million visitors from 162 countries.

Inter-parliamentary contacts have been increasing, more delegations from public, sports and co-operative organisations have been exchanged. More and more writers, artistes and scientists come to the USSR.

In the period from 1955 to 1981, 235 official parliamentary delegations from 98 countries visited the USSR at the invitation of the USSR Supreme Soviet. During the same period Soviet state establishments and public organisations invited and received large numbers of foreign delegations.

The XXII Olympic Games in Moscow in 1980 were attended by many foreign guests.

Soviet societies for friendship and cultural relations with other countries have exchanged many delegations. The France-USSR Society, for instance, which has over 350 local branches in practically every department of France, signed a plan for co-operation with the Union of Soviet So-

cieties for Friendship and Cultural Relations with Foreign Countries. Among a wide range of events the plan provided for numerous representatives of youth and women's organisations, members of the cultural and art worlds and athletes to visit the USSR in 1982. Similar exchanges between delegations are widely practised by friendship societies with other countries.

Foreign citizens arrive for international auctions, art festivals, scientific symposiums and conferences, to exchange work experience, to see the USSR as tourists. Many others travel through Soviet territory in transit. International trade is also expanding: every year ships from 30 countries dock in the port of Leningrad alone. Many other Soviet sea ports are open to foreign shipping. More and more foreigners are coming to the USSR at the invitation of their relatives or friends. Frequently whole families come.

The Soviet Union is often chosen to host international religious conferences and meetings. A world religious conference for peace was held in Moscow in 1977. In May 1982 the World Conference of Religious Workers for Saving the Sacred Gift of Life from Nuclear Catastrophe was held in Moscow. It was attended by representatives of close to 100 main religions of the world and religious organisations.

At present the USSR welcomes more than five million visitors from other countries every year. Approximately six out of every ten are tourists from other socialist countries. Of the Western countries, tourism is expanding most rapidly with Finland, France, the FRG, Italy, Spain and Portugal. Whereas world tourism is expanding at an average rate of 5-7 per cent a year, tourism to the USSR is growing at 10-20 per cent. Holiday makers come to engage in summer and winter sports, to travel through the country, quite often by the Trans-Siberian Railway, to cruise in the Black Sea, on the Volga and the Dnieper. Others go to the health resorts of the Crimea and the Caucasus on the Black Sea coast.

Today Intourist (Foreign Travel Agency) tours take in 146 towns and cities of the USSR.

The Law on the Legal Status of Foreign Citizens in the USSR reflects the expansion of international contacts and will, beyond doubt, further co-operation and understanding between peoples and help strengthen world peace. It reflects the provisions of the Final Act of the Conference on Se-

curity and Co-operation in Europe, and of the International Covenants on Human Rights ratified by the Soviet Union, the Ukrainian SSR and the Byelorussian SSR. Finally, the Law takes into account the USSR's broad experience of bilateral and multilateral treaties concerning the status of aliens (for instance, the treaties the USSR has signed with other states on legal aid, consular matters, etc.). The Law, of course, does not exhaust the entire range of questions bearing on the status of aliens in the USSR; it governs the more important matters concerning the status of aliens which call for All-Union legislative regulation. Separate aspects of this status are also regulated by decisions of the Soviet government, instructions of relevant departments, and also by legislation of the Union Republics. Among the numerous problems coming within the competence of the Union Republics, for instance, are rules for the adoption by foreign citizens on the territory of the USSR of children who are Soviet citizens (Article 35, Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family). Union Republic legislation also regulates a whole range of questions relating to the right to personal property, copyright, inheritance procedure, and civil legal capacity and capability.

In addition, and it is important to make this point to define possible distinctions in certain matters bearing on the status of aliens and particularly that of stateless persons, the legal status of foreign citizens in the USSR may also be set on the basis of international treaties signed by the USSR.

It should be mentioned that in recent years many states have enacted laws on various aspects of the legal status of aliens. This in itself indicates the topicality of this issue. In different countries the specific legal regulation of this problem, naturally, varies. The trends in the development of legislation on the legal status of aliens vary too. In the countries of the socialist community the new laws on aliens are intended to consolidate and further the democratic status of aliens in sojourn or residence, irrespective of race, property status, origin, permanent residence, etc. In contrast, the tendency in contemporary legislation on aliens in Western countries is of a diametrically opposite nature.

The status of aliens in the USSR is determined by the sum total of the legislative acts and other rules of law of

the USSR and Union Republics on the legal status of foreign citizens.

Let us now look in greater detail at the rights, freedoms and duties of foreign citizens in the USSR.

GENERAL PRINCIPLES GOVERNING THE LEGAL REGULATION OF THE STATUS OF ALIENS IN THE USSR

The basic principle governing the legal status of foreign citizens in the USSR is that they enjoy the same rights and freedoms and have the same duties as citizens of the USSR, except when the Law on the Legal Status of Foreign Citizens in the USSR or other legislative acts of the USSR rule otherwise (Article 3, Law of June 24, 1981). This principle is not new to Soviet legislation, it has long been effective, being provided for in a whole range of specific laws, and consistently applied in practice. It has now been made a general legislative postulate.

Proceeding from the idea embodied in Article 34 of the Constitution of the USSR, the Law proclaims and guarantees that foreign citizens in the USSR are equal before the law irrespective of their origin, social and property status, race, nationality, sex, education, language, attitude towards religion, type and nature of occupation and other circumstances. This clause enlarges on the rules of Article 26 of the International Covenant on Civil and Political Rights [1], as applying to foreign citizens in the USSR. The principle of the equality of foreign citizens in the USSR before the law is not a declaration, but an effective legislative rule.

This rule is invariably adhered to in the USSR in all spheres of activity. This is a great problem in many Western countries which have various (often numerous) legislative and administrative restrictions which infringe upon the rights of aliens.

---

[1] The article reads: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Some countries have divided their own citizens into categories in which civil rights differ. This is not a tradition inherited from past legislation. On the contrary, such legislation has been enacted in the 1980s. Here is a case in point. On October 30, 1981, the British Nationality Act was passed. It divides British subjects into three categories of citizenship. They are: British citizenship, citizenship of British Dependent Territories and British Overseas citizenship. Only British citizens, mainly whites born in the British Isles, enjoy full civil rights. Where citizens of British Dependent Territories and British overseas citizens, mainly British non-white subjects are concerned, the question of their civil rights is in some cases decided by Home Office officials. The discussion and later the passing of this law evoked strong protest on the part of the British public. It was opposed by spokesmen of the country's immigrant community, opposition parties in parliament, and the democratic public. The act, introduced by the Conservative government, was regarded as an attempt to perpetuate racial inequality and to give it legal status in the country.

Great Britain is no exception in this respect. US legislation currently in force, the Immigration and Nationality Act in particular, also provides for two categories among US nationals. These are, first, US citizens proper who enjoy all the rights accorded to them in the country, and, second, US nationals who are not US citizens. They are known as non-citizen nationals. They are sometimes referred to as US subjects, a monarchist term. They include persons born in US overseas possessions, children born outside the USA to US nationals who are not US citizens and some categories of Indians.

Some of the other Western states subdivide legally, not just in practice, their citizens into separate groups according to the civil rights they enjoy. These countries, naturally, grant aliens, especially working aliens, minimum rights. Aliens forced to emigrate because of poverty and who arrive in Western countries bypassing regular labour recruitment channels and who have no special work permit from the authorities find themselves in a particularly sorry plight. They are in practice deprived of all rights, and there are several hundred thousand such workers in Western Europe alone.

Soviet legislation restricts the rights and freedoms of

foreign citizens in only one case, fully in keeping with universally accepted international practices. The Law on the Legal Status of Foreign Citizens in the USSR sets this forth as follows:

"The Council of Ministers of the USSR may impose restrictions, in reciprocity, on citizens of states which have instituted special restrictions on the rights and freedoms of citizens of the USSR."

That such a measure is forced upon the USSR is obvious. The Soviet Union takes such action only in retaliation for a violation of the law by another state. The restriction of generally accepted rights and freedoms of Soviet citizens in a given state can only be regarded as a violation of the law. In this case Soviet legislation imposes retaliatory restrictions, mainly in the sphere of civil law and administration (civil and civil procedural legal capacity), but on no account governed by discrimination as to race, nationality, language, sex or attitude to religion. Such discriminatory practices would be in flagrant contradiction of the fundamentals of Soviet society's and the Soviet people's sense of justice.

Article 59 of the Fundamentals of Civil Legal Proceedings of the USSR and Union Republics thus states: "The Council of Ministers of the USSR may impose restrictions, in reciprocity, on citizens, enterprises and organisations of states which have instituted specific restrictions on the civil procedural rights of Soviet citizens, enterprises or organisations." A Decree on Local Taxes and Duties of the Presidium of the USSR Supreme Soviet of January 26, 1981, lays down that if a foreign state levies taxes on categories of property owned by Soviet citizens or organisations, which are higher or lower than those levied on similar categories owned by aliens in the USSR, the latter may correspondingly adjust these taxes when raising them from citizens and organisations of the state in question.

The Law specifically points out that foreign citizens residing in the USSR should, under no circumstances, use the rights and freedoms they enjoy to damage the interests of Soviet society and the state, the rights and lawful interests of Soviet citizens and other persons, i.e. citizens of other states or stateless persons in the USSR. This clause does not contradict the general principle of granting foreign citizens in the USSR equal legal status with Soviet

citizens. It is in conformity with the requirements the Constitution of the USSR makes of Soviet citizens with respect to the use of the rights and freedoms they enjoy. Article 39 of the Constitution of the USSR states that "enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state, or infringe the rights of other citizens".

Foreign citizens in the USSR are divided into two groups: permanent residents in the USSR and sojourners in the USSR. The status of an alien in some fields of activity is sometimes determined by which group he or she belongs to.

Foreign citizens are regarded as permanently resident if they have a residence permit issued by organs of internal affairs.

All other foreign citizens staying in the USSR on other lawful grounds [1] are regarded as sojourners. On arrival in the USSR they are obliged, in keeping with the established procedure, to register their passports or other papers replacing them and to leave the USSR as soon as their visas expire. In the overwhelming number of cases these are foreigners who have arrived in the USSR on official, public or commercial business, for treatment or holiday, foreign tourists, students, those who have come to gain work experience, and persons who have come to settle their private affairs.

The new Law contains a special article on the granting of asylum. It is not a matter of proclaiming the right to asylum, as understood by international and inner-state practice, because this right has already been fixed as a legal rule in the Constitution of the USSR and in the Constitutions of the Union Republics. Under Article 38 of the Constitution of the USSR, "the USSR grants the right of asylum to foreigners persecuted for defending the interests of the working people and the cause of peace, or for participation in the revolutionary and national-liberation movement, or for progressive social and political, scientific or other creative activity". The Constitutions of all the Union Republics contain similar articles. In conformity with the

[1] The author is dealing here and below with foreign citizens who do not enjoy diplomatic privileges and immunity established by international law and Soviet legislation.

Constitutional provisions the Law regulates the granting of asylum, the right to which has already been proclaimed in the USSR.

The Presidium of the USSR Supreme Soviet or Presidium of the Supreme Soviet of the Union Republic concerned are responsible for granting asylum to foreigners.

Finally, one of the general principles characterising the status of aliens in the USSR bears on the fulfilment of certain duties by foreign citizens staying in the USSR. The Constitution of the USSR lays down that "citizens' exercise of their rights and freedoms is inseparable from the performance of their duties and obligations" (Article 59). This provision which determines the essence of relations between the state and the individual is in full accord with a thesis Karl Marx formulated in the last century. He wrote: "... *no rights without duties, no duties without rights.*" Under Article 37 of the Constitution of the USSR, "citizens of other countries and stateless persons, when in the USSR, are obliged to respect the Constitution of the USSR and observe Soviet laws".

The Law on the Legal Status of Foreign Citizens in the USSR has enlarged on these Constitutional principles. Article 4 establishes as a fundamental principle governing the legal status of aliens in the USSR that the exercise of rights and freedoms granted to foreign citizens by Soviet legislation is inseparable from their discharge of duties and obligations. Citizens of other countries, when in the USSR, are obliged to respect the Constitution of the USSR and observe Soviet laws. They should respect the rules of socialist community, the traditions and customs of the Soviet people.

The duties and obligations foreign citizens are required to discharge while in the USSR do not impose any restrictions on human rights and freedoms, as the Western propaganda machine sometimes alleges. A person cannot be a member of society and be wholly exempt from all duties to it. Neither can a person have a universal and absolute "right of irresponsibility" towards society. Article 29 of the Universal Declaration of Human Rights adopted by the UN in 1948 thus states that "everyone has duties to the community in which alone the free and full development of his personality is possible". The International Covenants on

Human Rights of 1966 and other fundamental international documents proceed from the same principle.

We have already pointed out that it is impossible to grant aliens totally equal rights with the citizens of a given country, because there are specific rights and duties which only the citizens of that state can enjoy and discharge. This juridical difference, separating Soviet citizens from aliens, is clearly observed by Soviet legislation.

In the USSR foreign citizens cannot vote or be elected to Soviets of People's Deputies or other elective state bodies, nor can they vote in referendums. This follows from Article 48 of the Constitution of the USSR, the laws on elections to the USSR Supreme Soviet, the Supreme Soviets of Union and Autonomous Republics, and the local Soviets of People's Deputies. It is laid down in full form in Article 22 of the Law on the Legal Status of Foreign Citizens in the USSR.

Citizens of other countries do not serve in the ranks of the Armed Forces of the USSR. This follows from Article 63 of the Constitution of the USSR and from the Law on Universal Military Service. It has been consolidated in Article 23 of the Law on the Legal Status of Foreign Citizens in the USSR.

Aliens cannot be appointed to certain posts or do certain kinds of work, if, under Soviet legislation, citizenship of the USSR is a necessary condition for appointment to these posts or engagement in this work. Soviet law does not oblige aliens to observe some duties of Soviet citizens. They are not obliged to preserve and protect socialist property, to combat misappropriation and squandering of state and socially-owned property or to make thrifty use of the people's wealth (Article 61 of the Constitution of the USSR), or to safeguard the interests of the Soviet state, to enhance its power and prestige, or to defend the socialist Motherland (Article 62 of the Constitution of the USSR). Nor does it require aliens to be uncompromising toward anti-social behaviour and to help maintain public order (Article 65 of the Constitution of the USSR). These and other similar distinctions in the legal status of Soviet and foreign citizens in the USSR are ultimately determined by the nature of the ties between people and their native land or foreign country.

Indeed, in all countries the rights and duties of native citizens differ from those of foreign citizens and the status

of the former differs from that of the latter. The legislation and administrative acts of the USA, FRG, Great Britain and other countries lay down that aliens do not have political rights or the right to hold administrative posts in government agencies and certain posts in other areas. The same applies in socialist countries. On the whole, such exceptions from national regulations are generally accepted legislative practice. In Soviet legislation and the legislation of other socialist countries such distinctions affect only those spheres in which the specific nature of the ties that link citizens with their respective home countries plays a role. These distinctions are never of a discriminatory character, e.g. they have nothing to do with race or property status and are fully in accord with the more progressive and humane legal rules and principles accepted in international practice and international law.

These, then, are the general principles governing the legal regulation of the status of foreign citizens in the USSR.

Let us now look at the specific rights, freedoms and duties of aliens during their stay in the USSR.

Most of these rights and freedoms were granted to aliens in the USSR long before they were proclaimed in the International Covenants on Human Rights. It should be mentioned that many Western countries have not yet made provision in their legislation for a whole range of rights and freedoms stemming from these documents. More than that, as will be shown below, the rights and freedoms proclaimed and guaranteed by Soviet legislation not only conform to the provisions of international treaties (covenants) signed by the USSR, but, in many cases, go beyond their requirements. Soviet legislation expands the democratic content of these provisions and proclaims new principles reflecting the humane essence of socialist law.

WORK AND EMPLOYMENT

We maintain that the right to work is a fundamental social and economic human right. With this, therefore, begins the section on basic rights, freedoms and duties in the Law on the Legal Status of Foreign Citizens in the USSR.

Foreign citizens permanently residing in the USSR may hold factory and office jobs at enterprises, institutions and

organisations or hold any other kind of job on the grounds and according to the procedures established for citizens of the USSR.

Foreign citizens staying temporarily in the USSR may work if this is compatible with the purposes of their stay in the USSR. Foreign citizens working in the USSR enjoy rights and have duties as regards their work on an equal footing with Soviet citizens.

These provisions conform to Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights, which the USSR has signed, and also the legislation of other socialist countries. Generally speaking, these provisions actually consolidate the practices observed in this sphere in the USSR before.

The kinds of job foreign citizens may hold are numerous and varied. For several decades now citizens of fraternal socialist countries have been working in the USSR on key projects being built as part of the socialist economic integration programme. These include, for instance, the Soyuz Gas Pipeline, the gas-and-chemical complex, one of Europe's biggest, and the Ust-Ilimsk Pulp Mill in East Siberia. Of the 20,000 builders of the latter, a big socialist economic integration project, several hundred were from Bulgaria, the GDR, Poland and Hungary. They all enjoyed the same rights and performed the same duties in terms of work as the Soviet citizens who worked side by side with them. Under the terms of the long-term inter-governmental agreement between the USSR and the People's Republic of Bulgaria on timber felling in the Komi Autonomous Soviet Socialist Republic, signed on December 3, 1967, large numbers of Bulgarian workers and specialists have been working there for a decade and a half. In keeping with the agreement, the Bulgarian side provides the manpower and the Soviet side the timber felling sites, machines and spare parts, and fuel and lubricants. The timber obtained is divided in accordance with the size of the investment of each party. Logging and lumber industry enterprises have been built there, as well as attractive, modern urban-type settlements, such as Usogorsk, Blagoyevo and Mezhdurechensk. The Bulgarians have good working, living and housing conditions. Excellent sports and other recreation facilities have been provided.

Specialists and workers from Yugoslavia, Finland and

other countries have been working with Soviet builders on construction projects in the USSR for many years. Way back in the 1950s, for example, Finnish engineers, technicians and workers helped construct several electric power stations in Northern Karelia and other places beyond the Arctic Circle. Later co-operation of this kind was enlisted in the construction of the Svetogorsk Pulp and Paper Mill in Leningrad Region, the Kostomuksha Ore Concentration Plant in Northern Karelia, 30 kilometres from the Finnish frontier, and in other projects.

The Finnstroi Joint Stock Company, one of the USSR's biggest Finnish partners, has been involved in constructing industrial projects in the USSR since 1972. Such co-operation provides employment for thousands of Finnish workers, and Soviet projects in addition keep four or five times that number of people in jobs in Finland itself, with firms meeting orders for these projects. At the height of work to build the first section of the Kostomuksha Complex 3,700 people employed by Finnstroi Co. were on the site. This number will increase even further when the second and third sections of the complex get underway. All work is to be completed by 1985. It is expected that in 1981-1985 Finnish firms will carry out 1,000 million roubles' worth of construction work in the USSR.

Since 1979 Polish engineers and workers have been employed in building the Khmelnitsky, Smolensk and Kursk Atomic Electric Power Stations. They regularly receive papers, periodicals and books from home, can attend showings of Polish films and those who wish attend Russian language courses. They have the chance of getting to know Soviet culture and become involved in amateur art activities.

Foreign specialists and workers are successfully collaborating in the development of West Siberia, a promising area with rich oil and gas deposits.

In the USSR there are many foreign representatives of firms, banks and other establishments based abroad maintaining business ties with Soviet economic organisations, experts employed by companies delivering equipment on Soviet orders, construction and assembly firms, etc.

International co-operation in space research and exploration is making steady progress. Cosmonauts from Czechoslovakia, Bulgaria, the GDR, Mongolia, Poland, Cuba, Hun-

gary, Romania and Vietnam have been trained in the USSR and made space flights with Soviet cosmonauts as part of the Interkosmos Programme. In July 1982, a Soviet-French crew worked aboard the *Salyut-7* orbital station.

Although the USSR grants aliens the same treatment as nationals in the sphere of labour, there are just a few exceptions.

Article 19 of the Air Code of the USSR approved by a Decree of the Presidium of the USSR Supreme Soviet of December 26, 1961, states that crews of aircraft listed in the State Register of Civil Aircraft of the USSR can be composed only of Soviet citizens. Exceptions to the rule may be permitted only in keeping with the procedure set by the USSR Council of Ministers. Under Article 41 of the Merchant Marine Code of the USSR, approved by a Decree of the Presidium of the USSR Supreme Soviet of September 17, 1968, a ship's crew may be made up only of Soviet citizens. Exceptions to the rule may be permitted only in accordance with the procedure laid down by the USSR Council of Ministers. Article 5 of the Law of the USSR on Notaries Public of July 19, 1973, states that only citizens of the USSR with a higher education in law can be appointed to the post of notary public. Article 14 of the Consular Regulations of the USSR approved by a Decree of the Presidium of the USSR Supreme Soviet of June 25, 1976, states that only a Soviet citizen can be appointed to the post of consular official in the service of the government of the USSR. However, in keeping with generally accepted international practice, a foreigner may, like a Soviet citizen, be appointed supernumerary consul (i.e. one who is not in the regular government service of the USSR).

Aliens are not permitted to engage in commercial fishing, or to hunt other animals or collect plants in water bodies in the USSR, except in cases provided for in international treaties the USSR has signed with other states (Statute on the Protection of Fish Resources and on the Regulation of Fishing in Water Bodies in the USSR approved by a Decision of the USSR Council of Ministers of September 15, 1958).

Without a special license foreigners are not permitted to conduct commercial fishing or hunting in the seas, nor can they carry out reconnaissance or other operations in pursuit thereof within 200 nautical miles of the Soviet

coast. In keeping with a Decree of the Presidium of the USSR Supreme Soviet, dated December 10, 1976, the USSR is currently undertaking a whole range of measures to preserve marine life and regulate fishing in these waters. Foreigners cannot survey, reconnoitre or exploit the natural resources of the USSR's continental shelf, nor can they conduct any other work on the shelf, except in cases covered by an international treaty (contract) signed by the USSR and the foreign state concerned or in cases when competent Soviet authorities have issued a special license (Article 5, Decree on the Continental Shelf of the USSR of the Presidium of the USSR Supreme Soviet, of Rebruary 6, 1968).

Restrictions of this kind are in full conformity with the provisions of international law. They exist in all countries and, as a rule, are recognised in international practice, unless they discriminate against foreigners. It should be pointed out that discriminatory practices against aliens in the field of labour are fundamentally a socio-economic and political matter arising from the nature of the social system involved. The very nature of socialism rules out the possibility of such discrimination either in the sphere of labour or any other field.

The fundamental social human right—the right to work—is realised in full measure in the USSR. Unemployment, the plague of the capitalist system, was wiped out over half a century ago.

Soviet legislation interprets the right of Soviet citizens to work as the right to guaranteed employment and remuneration in accordance with the quantity and quality of their work, not below the state-established minimum, including the right to choose their trade or profession, type of job and work in accordance with their inclinations, abilities, training and education, with due account of the needs of society. The law establishes guarantees of the right to work. The Constitution of the USSR states unequivocally:

"This right is ensured by the socialist economic system, steady growth of the productive forces, free vocational and professional training, improvement of skills, training in new trades or professions, and development of the systems of vocational guidance and job placement" (Article 40).

There is no, nor can there be any, redundancy under socialism, because the system of state and public ownership, planned management of the economy, and the socio-eco-

nomic nature of socialism rule out unemployment—an absurd waste of social labour and infringement on a person's vital right. In the big Western capitalist states unemployment has reached an all-time high for the postwar period and has been steadily increasing owing to cyclic crises, slumps in production and chronic stagnation in whole sectors of the economy. In 1970 the developed Western countries registered eight million unemployed, five years later, after the 1974-1975 crisis, the number topped 15 million and in 1980 reached nearly 20 million. The situation has since then further deteriorated. The Organisation for Economic Co-operation and Development (OECD) reckons that its twenty-four member countries will have 48 million unemployed by 1990.

Unemployment causes migration: when industries close down whole regions are deserted. There are more and more "ghost towns".

Western countries are finding it increasingly difficult to provide employment for aliens. Since the war the number of people moving from the developing countries to industrially developed Western countries has been constantly growing and runs into millions.

As a rule, in Western countries immigrant workers are given the lower paid arduous manual jobs. They are deprived of many of the rights enjoyed by the citizens of those countries. A law on aliens passed in the FRG in 1965 states that immigrant workers who have been granted work permits cannot change their job before their contract expires without the consent of their employer and the authorities. In the USA illegal immigrants from Latin America and Asia are not covered by the labour laws. They often work 12 hours a day and are paid less than half the official minimum wage. Over 400,000 immigrants from Haiti who were brought into the Dominican Republic to harvest the sugar cane and coffee crops live and work in conditions of utter poverty and subjugation.

At present there is a massive influx of Asians into the oil-rich countries of the Middle East. There are now close to three million immigrants from Asia, double the number registered six years ago.

People travel to any place where there is a demand for cheap labour. The immigrants come mainly from poor rural regions, they are trustful and open. A smart labour recruit-

ment agent only has to promise them high earnings to obtain their consent to go anywhere. Soon disillusionment sets in. The work is more arduous than expected, the earnings are lower, and the working day longer—ten-eleven hours a day. The food is bad and the housing conditions are appalling. The conditions for immigrant women are far worse. Their pay is lower and they are deprived of practically all rights. And this a quarter of a century after the Convention Concerning Discrimination in Respect of Employment and Occupation was adopted by the International Labour Organisation in 1958. The Convention condemns "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation".

In the USSR and the other countries of the socialist community there is no room nor can there be any room for inequality between the working man and woman. At present in the USSR 51 per cent of factory workers and office employees are women. Soviet legislation provides not only for equality, but even for more favourable treatment for women concerning equal pay for equal work. To be more exact, it provides for better terms of pay in some cases stipulated by the law. Female machine operators in agriculture, for instance, get equal rates of pay with the men, but have to fulfil 10 per cent smaller work quotas. If an expectant mother is transferred to an easier job, she continues to draw the higher average earnings from her previous job.

The complete equality of the working woman and man was one of the slogans and principles of the Great October Socialist Revolution. V. Lenin wrote:

"The proletariat cannot achieve complete liberty until it has won complete liberty for women."

Emancipation of women above all implies the establishment of real and complete equality with men and the enlistment of women in socially productive labour. The Soviet Union and other socialist countries see the struggle for equal rights for women as part of the struggle for the triumph of the socialist system. To this end they have not only consolidated the principle of equal rights for women in the Constitution, but have even guaranteed their realisa-

tion. Equal pay for equal work also applies to female and male foreign citizens working in the USSR.

The constitutions of many Western countries have officially proclaimed equal rights for women, but even in these countries it is not always observed.

REST, LEISURE AND HEALTH PROTECTION

The right of Soviet citizens to leisure and rest laid down in the Constitution of the USSR is extended to foreign citizens regardless of whether they are permanently resident or temporarily staying in the USSR.

The USSR has one of the shortest working weeks in the world, not more than 41 hours. Certain trades and professions have an even shorter working week, without, of course, any reduction in pay. The working week for factory workers and office employees averages 39.4 hours. The working hours for night shifts and jobs are shorter. All people who work have free days every week and paid annual leave.

The Programme of the Communist Party of the Soviet Union contains a clause on increasing leisure time for working people, and this is being consistently realised in practice. Today minimum paid annual leave is three weeks. Many categories of factory workers and office employees have paid leave of one month or more.

Article 7 of the International Covenant on Economic, Social and Cultural Rights provides for the right to leisure and rest. The interpretation, however, is narrower. It is regarded as a component of every man's right to fair and favourable working conditions. In the USSR foreign citizens have the same right as Soviet citizens to leisure and rest. The scope of this right is thus extended, for in the USSR the right to leisure and rest is associated not only with working time, weekly days of rest, annual leave and other working conditions, but also with an increase in cultural, educational and health establishments, the development of sports, physical fitness programmes, tourism, the provision of local recreation facilities and of other opportunities for rational use of leisure time.

Foreign citizens in the USSR also enjoy the right to health protection. Foreign citizens permanently residing in

the USSR, like all Soviet citizens, receive medical aid. Foreign citizens temporarily staying in the USSR get medical aid in accordance with procedures established by the USSR Ministry of Public Health.

The pertinent rules of the Law on the Legal Status of Foreign Citizens in the USSR establish a procedure that has actually been practised for many years. It has been consolidated in several legislative acts of the USSR, in particular in Article 32 of the Fundamentals of Legislation of the USSR and the Union Republics on the Health Service, adopted in 1969. Medical aid covers medical treatment, disease prevention, specialised aid at outpatient clinics, hospitals, special health centres, other medical and preventive treatment establishments, ambulance service and emergency medical aid at home.

Resident aliens being as entitled as Soviet citizens to medical aid, it would be appropriate briefly to look into the Constitutional right to health protection. Article 42 of the Constitution of the USSR states that the right of Soviet citizens to health protection is ensured "by free, qualified medical care provided by state health institutions; by extension of the network of therapeutic and health-building institutions; by the development and improvement of safety and hygiene in industry; by carrying out broad prophylactic measures; by measures to improve the environment; by special care for the health of the rising generation, including prohibition of child labour, excluding the work done by children as part of the school curriculum; and by developing research to prevent and reduce the incidence of disease and ensure citizens a long and active life". The entire public health system stands guard over the health of the people. To this end it makes use of the latest achievements of science and technology. As distinguished from public health systems in countries where many of the medical establishments are privately owned, where medical aid is granted at a price and is, therefore, partly or wholly out of reach of large sections of the working people, the Soviet public health system is free of charge. It is made available through a ramified network of state bodies and institutions maintained wholly at state expense. At present the Soviet Union has about 60,000 hospitals, outpatient clinics, specialised health centres and other medical establishments. They have modern equipment and are staffed with six million medical

personnel, including one million doctors. In terms of doctors (one doctor in every three in the world lives and works in the Soviet Union), number of hospital beds and other indicators per 10,000 inhabitants, the USSR has long been far ahead of the more advanced Western countries. Under Soviet government the average life expectancy in the country has increased from 32 to 70 years.

Article 12 of the International Covenant on Economic, Social and Cultural Rights recognises "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". It continues that to achieve full realisation of this right the States Parties to the Covenant shall create conditions "which would assure to all medical service and medical attention in the event of sickness". The USSR is already implementing measures which some countries have only included in their programmes in pursuit of the right to health protection. The "right to health" the said International Covenant mentions is in the USSR a concrete and guaranteed right enjoyed by Soviet citizens and extended to resident aliens. Many resident aliens in the USSR have enjoyed and continue to enjoy this right.

SOCIAL SECURITY

The right to social security is also a vital social human right.

The right of everyone to social security, including social insurance, is formulated in Article 9 of the International Covenant on Economic, Social and Cultural Rights.

Soon after the October Revolution the Soviet Republic introduced social security based on the most advanced socialist principles. Under Article 43 of the Constitution of the USSR social security comprises a system of socio-economic measures to provide maintenance in old age, in sickness, in the event of disability, loss of the breadwinner or in other cases provided for by the law. Social security is provided to all working people at the expense of the state. The right to social security is guaranteed by social insurance of factory workers, office employees and collective farmers, by allowances for temporary disability, by provision by the state or by collective farms of retirement pensions, disability pensions, and pensions for the loss of the bread-

winner, by providing employment for the partially disabled, and by other forms of social security. Unlike Western social insurance systems, the Soviet social security system has wholly exempted factory workers and all other employees from payment of social insurance fees. Nor are there any special deductions for the pension fund similar to those in many Western countries.

In the USSR retirement pensions, disability pensions and pensions on account of the loss of the breadwinner are provided. The size of the retirement pensions ranges from 50 to 100 per cent of earnings. Men are eligible for retirement at the age of 60 after working for 25 years, and women at the age of 55 after working for 20 years. Some categories of workers, such as miners, underground railway builders, steel workers, foundrymen, weavers, people working in the Far North, etc., are entitled to pension privileges. They can retire earlier—men at 50-55, women at 45-50, provided they have worked the required number of years.

The law also includes the provision that women who have produced and raised five or more children to the age of eight are entitled to a pension at 50, after having worked for 15 years, unless they have earned the right to retire on pension at an earlier age.

Disability pensions are awarded in the event of disability, and the size of the pension depends on the degree of disablement. Pensions on account of the loss of the breadwinner are provided to dependents who are unable to work. The law provides for payment of allowances on temporary disability, sickness owing to an industrial accident or occupational disease.

The amount of these pensions has been steadily rising. During the Tenth Five-Year Plan period (1976-1980) the average size of pensions paid to those of pension age who continued to work increased by 28 per cent. The benefits paid on account of temporary disability rose by 20 per cent.

Foreign citizens permanently residing in the USSR have the right to benefits, pensions and other forms of social security just like all Soviet citizens. Foreign citizens temporarily staying in the USSR are entitled to benefits, pensions and other forms of social security in keeping with the regulations and procedures laid down by Soviet legislation. In cases when a certain length of employment is required for provision of a pension, the number of years a foreign citizen

has worked abroad may be included in the record in conformity with the relevant regulations and procedures of Soviet legislation. Under the Statute on the Procedure for the Granting and Payment of State Pensions approved by a Decision of the USSR Council of Ministers, dated August 3, 1972, a pension is granted to a foreign citizen or his (her) family, if he (she) has worked in the USSR two-thirds of the period required for a pension. Pensions to foreign citizens or their families are granted by the ministries of social security of the Union Republics. Foreign citizens in receipt of a pension in the USSR (irrespective of the type of pension), and families of foreign citizens granted a pension in the USSR on account of the loss of the breadwinner, will continue to receive that pension, in accordance with procedures established by legislation, even if the pensioner decides to reside permanently in another country, or if the family of the deceased foreign citizen who worked in the USSR resides permanently outside the USSR.

HOUSING

That the right to housing is an important social right is obvious. For Soviet citizens this is a Constitutional right. The present Constitution of the USSR goes further and states the guarantees of this right in practice. No non-socialist state guarantees any such right either in its legislation or in practice. Nor are such legal rules provided for in international covenants on human rights. In this context the right to housing proclaimed and legislatively guaranteed for Soviet citizens by Article 44 of the Constitution of the USSR and for aliens by the Law on the Legal Status of Foreign Citizens in the USSR cannot but be regarded as an outstanding socio-economic achievement of socialism.

Article 44 of the Constitution of the USSR reads:

"Citizens of the USSR have the right to housing.

"This right is ensured by the development and upkeep of state and socially-owned housing; by assistance for co-operative and individual house building; by fair distribution, under public control, of the housing that becomes available through fulfilment of the programme of building well-appointed dwellings, and by low rents and low charges for

utility services. Citizens of the USSR shall take good care of the housing allocated to them."

Immediately after the October Revolution the Soviet state, in compliance with Lenin's instructions, took concrete measures to radically improve the housing conditions of the working people.

Today no country in the world is building as much housing as the USSR. For the last 15 years the USSR has been building close to two million flats a year. Under Soviet government 3,500 million square metres of housing have been distributed. In 1976-1980 one Soviet citizen in every five moved to better housing.

In June 1981, a Session of the USSR Supreme Soviet pointed out that, in the period since the October Revolution, the general countenance of all Soviet cities, towns and villages had changed markedly. All slums had disappeared, new well-built cities and towns had grown up. The socially-owned housing in the towns and cities is characterised by a high level of comfort, yet rent has not risen since 1928. On average it does not exceed three per cent of the earnings of workers' and office employees' families.

The USSR is at present making a great effort to improve housing conditions. It is part of a broad programme the Communist Party of the Soviet Union has embarked upon further to improve living standards. In 1981-1985 another 50 million people or so will receive better housing.

The very same Session of the USSR Supreme Soviet (June 1981), which approved the Law on the Legal Status of Foreign Citizens in the USSR, examined and passed a number of legislative acts bearing on the right of citizens to housing. These are the Decision on the Development of Housing, Better Use and Preservation of the Housing Fund of the USSR Supreme Soviet and the Fundamentals of Housing Legislation of the USSR and Union Republics.

The Law of June 24, 1981 makes provision for granting housing to foreign citizens in the USSR as a special legal rule. Under this Law foreign citizens permanently residing in the USSR, in keeping with the regulations and procedures for Soviet citizens, have the right to housing in state- and socially-owned blocks of flats, and in blocks built by housing construction co-operatives. The Law states that, as in the case of Soviet citizens, foreign citizens should take

good care of the housing made available to them and that they should observe the regulations governing the use of housing.

PROPERTY AND PERSONAL NON-PROPERTY RIGHTS

In the USSR, in addition to socialist property in the form of state (national) and collective farm-and-co-operative property, and property belonging to public organisations, citizens also own personal property.

The personal property of citizens is based on their earnings. Personal property includes household articles, personal effects, articles of convenience and household appliances, a house and earned savings. Personal property and the right to inherit it are protected by the state. Citizens may have the use of plots of land which are made available in conformity with the legal procedures established for private farming (including the keeping of livestock and poultry), fruit and vegetable growing, and also for the building of individual houses. Citizens are obliged to make rational use of the plots of land made available to them. The state and collective farms assist individuals in private farming. Property personally owned or used by citizens should not serve as a source of unearned income, nor should it be used to damage the interests of society.

Under Soviet law private labour is permitted in the spheres of handicrafts, agriculture, provision of everyday services to the population, and also other forms of activity based wholly on the individual labour of citizens and their families.

In addition to property rights citizens of the USSR have individual non-property rights.

The general content of the civil legal capacity of Soviet citizens (i.e. the capacity to have rights and duties) is defined by Article 9 of the Civil Legislation of the USSR and Union Republics. It says that by law a citizen may own personal property, have the right to use housing and other property, inherit and bequeath his or her property, choose his or her occupation and place of residence, have the right of authorship to a work of science, literature or art, to a discovery, invention, innovation, or industrial design (model).

He or she may also have other property and individual non-property rights.

Under the legislation currently in effect, foreign citizens enjoy practically the same property and individual non-property rights as Soviet citizens. An alien may own in the USSR a house and other personal property, inherit or bequeath it, have rights of authorship and other property and personal non-property rights.

This is consolidated in Article 12 of the Law on the Legal Status of Foreign Citizens in the USSR. This rule of law is not new: Article 12 outlines in detailed form legislative practice which has long been established in the USSR and which has been duly reflected in earlier laws and acts currently in effect. The Fundamentals of Civil Legislation of the USSR and Union Republics (Article 122) adopted back in 1961, for instance, provide that "in the USSR foreign citizens enjoy civil legal capacity on a par with Soviet citizens". Another act, namely the Fundamentals of Civil Judicial Proceedings of the USSR and Union Republics adopted in December 1961 (Article 59), contains a similar legal rule on granting aliens the same treatment enjoyed by Soviet citizens in the sphere of civil procedural rights. Under Article 26 of the Law of the USSR on Notaries Public adopted on July 19, 1973, foreign citizens and stateless persons, like Soviet citizens, have the right to apply to notary public offices.

Under the law an alien may inherit and bequeath his or her property. The inheritance of buildings in the USSR and the form of transaction involving such buildings are, in all cases, determined by Soviet legislation (Articles 125 and 127 of the Fundamentals of Civil Legislation of the USSR and Union Republics). Like Soviet citizens, aliens may hold accounts at state savings banks in the USSR (Clause 16, Statute of State Working People's Savings Banks of the USSR approved by a Decision of the USSR Council of Ministers dated July 11, 1977).

Persons permanently residing outside the USSR may maintain current or deposit accounts at the State Bank of the USSR or the Bank for Foreign Trade of the USSR. Foreign currency can be placed in a current or deposit account by remittance from abroad, or by foreign currency payment papers sent from abroad in the name of the account holder,

and also in cash by the holder himself, when he is on a visit to the USSR.

The sums in current and other accounts may, on order of the account holder, be remitted abroad, used for the purchase of commodities in the USSR, transferred to accounts held by Soviet foreign trade organisations, paid out to the holder in cash in foreign currency in the event of departure from the USSR or in cash in roubles. Deposit accounts at the Bank for Foreign Trade of the USSR earn interest at rates accepted by banks outside the USSR.

Persons permanently residing in countries other than the USSR may open accounts in roubles in Soviet savings banks. The money deposited in these accounts can be used only in the Soviet Union.

Legislation defines in detail the rights of authors in the field of science, literature or art, and also the rights of inventors, authors of discoveries, innovations and industrial designs. In the USSR legal regulation of these matters is fully in accordance with the provisions of the pertinent international conventions on copyright and protection of industrial (intellectual) property (Universal Copyright Convention, Geneva 1952, and Paris Convention for the Protection of Industrial Property, 1883) which the USSR has endorsed. Under the Statute on Discoveries, Inventions and Innovations approved by a Decision of the USSR Council of Ministers, dated August 21, 1973, the Soviet Union extends to aliens who are authors of inventions and innovations, and their successors in the USSR, the same treatment as Soviet citizens in keeping with Soviet legislation on inventions and innovations. The same applies to discoveries, if the discovery has been made at work at a factory, plant, organisation or institution in the USSR or in co-authorship with a Soviet citizen.

Soviet legislation does, however, stipulate that some of the above rights may be forfeited, in reciprocity, in the case of citizens of states imposing special restrictions on the civil rights of Soviet citizens.

Foreign citizens and stateless persons may be awarded Soviet state and public decorations, prizes and honorary titles.

From 1978 to 1982, the USSR's highest distinction, the title of Hero of the Soviet Union with the presentation of the Order of Lenin and Gold Star Medal, was conferred on

cosmonauts Vladimir Remek (Czechoslovakia), Miroslaw Hermaszewski (Poland), Sigmund Jähn (GDR), Georgi Ivanov (Bulgaria), Bertalan Farkas (Hungary), Pham Tuan (Vietnam), Arnaldo Tamayo Méndez (Cuba), Zhugderdemidiyn Gurragcha (Mongolia), Dumitru Prunariu (Romania) and Jean-Loup Chrétien (France) for their space flights as members of international crews aboard the Soviet orbital scientific research complex *Salyut-Soyuz* and for their courage and heroism during their flights.

Many foreign citizens who fought shoulder to shoulder with Soviet citizens during the Second World War against Nazi Germany and its allies were also honoured with the title of Hero of the Soviet Union and awarded Soviet orders and medals.

Aliens are also awarded Soviet decorations for distinguished achievements in their work within the Soviet economy.

On December 27, 1979, the Presidium of the USSR Supreme Soviet issued a Decree awarding many members of international youth teams from socialist countries Soviet orders and medals for achievements in the construction of the Ust-Ilimsk Timber Plant.

Several foreign citizens distinguished by their work for peace have been awarded the international Lenin Prize "For the Promotion of Peace Among Nations". This prize may be awarded to citizens of any country regardless of their political views, party membership, religious convictions or race for outstanding effort to promote peace between peoples, for works in science, literature or art, or for other activities which constitute a major contribution to the accomplishment of these aims.

The Lenin and State Prizes of the USSR may also be awarded to foreign citizens.

Foreigners may be awarded other state and public decorations, such as prizes named after distinguished scientists (introduced by the USSR Academy of Sciences) for achievements in science.

Some Soviet cities may confer honorary citizenship on a foreigner for especially distinguished services.

Foreign citizens (stateless persons) permanently residing in the USSR are recommended for Soviet state awards in keeping with the procedures established for Soviet citizens. Proposals to award foreign citizens (stateless persons) resid-

ing outside the USSR are advanced by the Ministry for Foreign Affairs of the USSR, other bodies and All-Union public organisations on agreement with the USSR Ministry for Foreign Affairs.

EDUCATION

The USSR has a uniform public education system which provides a general educational background and professional training. Under Article 45 of the Constitution of the USSR citizens have the right to education, which is ensured by free provision of all forms of education, by the institution of universal, compulsory secondary education for young people, and broad development of vocational, specialised secondary, and higher education.

This uniform system of education covers all the Union Republics, granting all citizens equal opportunities for acquiring an education. All school-leaving certificates and diplomas are equally valid everywhere in the country. A certificate from any secondary school, secondary vocational school or secondary technical school enables a person to gain acceptance at any higher educational establishment. The school is separated from the Church.

The USSR leads the world in terms of educational standards. Today of every thousand people employed in the Soviet economy 833 have a higher or secondary education. A full secondary education is now compulsory.

The Law on the Legal Status of Foreign Citizens in the USSR states that, like Soviet citizens, foreign citizens have the right to acquire an education in conformity with the procedures established by USSR legislation. It fully conforms to the practices that have emerged and the legislation currently in force, in particular, Article 64 of the Fundamentals of Legislation of the USSR and the Union Republics on Public Education approved by the USSR Supreme Soviet many years ago and other legislative acts of the Union Republics. The Law on Public Education of the Moldavian SSR, dated December 24, 1975, for instance, states: "Foreign citizens and stateless persons residing in the USSR have the right to acquire an education in the Moldavian SSR on a par with Soviet citizens, in keeping with the procedures established by USSR legislation" (Arti-

cle 83). Similar provisions are contained in the legislation of other Union Republics.

Legislative and other acts covering pertinent educational establishments contain specific provisions on the right of aliens to education. The Statutes on Higher and Secondary Educational Establishments of the USSR approved by the USSR Council of Ministers on January 22, 1969, state that higher and specialised secondary education is provided free of charge, all Soviet citizens enjoying an equal right to education, irrespective of race, nationality, sex, property and social status. Foreign citizens residing in the USSR are admitted to higher and specialised secondary educational establishments on the basis of the regulations valid for all. Aliens admitted to higher and specialised secondary educational establishments have the same rights and duties as Soviet students. If the Soviet Union has signed an international agreement with another state which makes provision for terms other than these, the rules of the said agreement are observed.

The Soviet Union renders effective assistance to many countries in training specialists. Citizens from nearly 150 countries study at Soviet educational establishments. At present Soviet higher educational establishments are training as many as 72,000 foreign students. More than half of them are from developing countries in Asia, Africa and Latin America. Large numbers of aliens are studying at specialised secondary educational establishments.

In 1960, to give broader opportunities to young people from Asian, African and Latin American countries as part of its policy of disinterested aid to the peoples of developing countries, the Soviet Union opened the Patrice Lumumba People's Friendship University. This establishment trains people from the above countries as engineers, teachers, doctors, economists and other specialists. More than 40,000 citizens from these countries are studying in the USSR at the moment. In addition, 18,000 citizens from developing countries have had practical industrial training at Soviet factories and research institutes.

ACCESS TO CULTURE

The right of Soviet citizens to enjoy cultural benefits is proclaimed and guaranteed by Article 46 of the Consti-

tution of the USSR. Article 68 states that concern for the preservation of historical monuments and other cultural values is a duty and obligation of citizens of the USSR.

This right is ensured by broad access to the cultural treasures of their own land and of the world that are preserved in state and other public collections; by the development and fair distribution of cultural and educational institutions throughout the country; by developing television and radio broadcasting and the publishing of books, newspapers and periodicals, and by extending the free library service; and by expanding cultural exchanges with other countries.

Among the most famous collections of objects of historical and cultural value from all over the world are those housed at the Hermitage Museum in Leningrad, the Tretyakov Gallery in Moscow with the best works of Russian and Soviet art, the Armoury in the Kremlin, the History Museum, the museums of Kiev, Novgorod, Pskov, Samarkand and many other Soviet cities.

The USSR's big libraries are of tremendous scientific and cultural value. The V. I. Lenin State Public Library in Moscow is one of the world's biggest depositories of printed works, early manuscripts and scrolls—of tremendous value in terms of both Russian and world culture. Its unique collection includes 31 million books, periodicals, complete annual sets of newspapers, music, and maps in 247 languages of the world.

Every year numerous festivals, conferences and meetings are held in the USSR, attended by people from many countries. Such events as the International Tchaikovsky Competition, All-Union and Union Republic contests of musical performers, the Glinka Vocalists' Competition, ballet, variety and conductors' contests are popular among lovers of music and art everywhere. Festivals such as the Moscow Stars festival (in 1982 this festival attracted more than 30,000 people from 50 countries), the Russian Winter festival and the White Nights festival in Leningrad are held regularly. The International Film Festivals in Moscow and Tashkent, various theatrical festivals held in many Soviet cities with the participation of drama, musical, circus and variety show companies have become immensely popular too.

The Law on the Legal Status of Foreign Citizens in the USSR, in view of earlier legislation and established practice,

provides in Article 14 that foreign citizens have the same right as Soviet citizens to enjoy cultural benefits.

The Law also states that foreign citizens are obliged to display concern for the preservation of historical and cultural monuments and other items of cultural value.

MEMBERSHIP OF PUBLIC ORGANISATIONS

Foreign citizens permanently residing in the USSR have the right to join, in accordance with regulations valid for Soviet citizens, trade unions, co-operative organisations, scientific, cultural and sports societies, and other public organisations, unless this contravenes the rules (statutes) of the said organisations. This legal rule, as laid down in Article 15 of the Law on the Legal Status of Foreign Citizens in the USSR, is in full conformity with the provisions of Articles 8 and 15 of the International Covenant on Economic, Social and Cultural Rights and Article 22 of the International Covenant on Civil and Political Rights. It is operative in many spheres of social activity in the USSR.

Soviet public organisations are voluntary, self-administered societies functioning on the basis of rules and statutes they have approved themselves to determine their competence.

The trade unions are first on the list (which is far from being exhaustive) of public organisations aliens may join under the law. They are the USSR's biggest mass organisation with a total membership of 130 million people. They function according to type of production, i.e. all those who work at a given factory, plant, industrial association or complex, collective farm, institution or organisation, or who study at a given educational establishment join the one union functioning in their economic sector, sphere of culture or public health, etc. (these being known as sectoral unions). The work of the sectoral trade unions is coordinated and all questions of general character are resolved by the All-Union Central Council of Trade Unions.

Article 1 of the Trade Union Rules of the USSR states that any person working at an enterprise, collective farm, institution or organisation, and also any student of a higher or specialised secondary educational establishment or vocational school may be a trade union member.

In the USSR trade unions have broad rights, and their sphere of activity is wide and varied. Under Article 7 of the Constitution of the USSR, trade unions, like all other public organisations, participate, in accordance with the aims laid down in their rules, in managing state and public affairs, and in deciding political, economic, social and cultural matters. Soviet trade unions represent and protect the interests of the working people and in so doing are involved in drawing up plans and implementing measures affecting working conditions and the remuneration of labour, social security, the improvement of housing and living conditions in general and of the living standards of factory workers and office employees. They conclude collective agreements and check that labour legislation is observed and labour protection requirements met. Their work covers cultural and everyday services for workers and office employees, physical fitness programmes, sports and tourism; they are in charge of state social insurance and control voluntary sports and other societies and associations. Soviet trade unions maintain ties with trade unions in many other countries and are active in the peace movement.

At present Soviet trade unions are in regular contact with trade unions of 145 countries. In the last five years 4,600 trade union and workers' delegations have visited the USSR.

Trade union voluntary sports societies have a membership of close to 40 million.

The trade unions also control the Inventors' and Innovators' Society and scientific and technical societies. These have a total membership of 22 million.

There are no legal barriers to the admission of foreign citizens permanently residing in the USSR into co-operative organisations. In accordance with Article 3 of the Model Rules of a Collective Farm, "persons who have reached the age of 16 and who have expressed the desire to contribute their labour to the socialised sector of the collective farm may become members of the collective farm".

Aliens may be members of a consumer co-operative. This right was granted back in the 1930s. They may also be admitted to other types of co-operatives, such as a housing construction co-operative, in conformity with the rules of the co-operative organisation concerned.

Aliens may be members of Soviet scientific organisations. Under the Statute of the USSR Academy of Sciences approved by the general meeting of the Academy, foreign scientists may be elected members by a general meeting (Articles 156 and 31 of the Statute). At present a number of scientists from countries of Europe, Asia, America and Australia have been elected foreign members of the Academy.

In addition to the trade unions, co-operative and scientific organisations, there are many scientific, technical, cultural and sports societies and other public organisations in the USSR. There are about 7,000 All-Union, Union Republic and local voluntary societies which foreign citizens permanently residing in the USSR have the right to join on the same grounds as Soviet citizens.

Some societies, however, impose restrictions which are laid down in their rules (statutes). The Model Statute on Voluntary Public Order Squads of 1974, for instance, makes no provision for the admission of aliens. The statute stipulates that only citizens of the USSR who have reached the age of 18 may be admitted to voluntary public order squads.

MARRIAGE AND FAMILY RELATIONS

Article 17 of the Law on the Legal Status of Foreign Citizens in the USSR lays down the general principle of Soviet legislation on the matrimonial and family rights of aliens in the USSR. In accordance with this principle foreign citizens in the USSR enjoy rights and have duties in matrimonial and family relations on a par with Soviet citizens. This means that the progressive and democratic rules of Soviet marriage and family law, based on the recognition of actual and complete equality of men and women, on the ensurance of legal protection for women, and on comprehensive support of mothers and children, are extended to aliens residing in the USSR.

Foreign citizens in the USSR may conclude and dissolve marriage with Soviet citizens and other persons in keeping with Soviet legislation. This means that both parties must agree to marriage and that there must be no obstacles to marriage (such as a previous undissolved mar-

riage or the parties being close relatives). In addition, both must be of marital age (18 in the USSR). Some of the Union Republics have a younger marital age, but it is never below 16. There are naturally none of the restrictions with respect to race or colour which some countries impose. Soviet registry offices are empowered to register the marriages of foreign citizens of different races and colour, even when such marriages are banned in their native countries, as in the Republic of South Africa.

In the USSR marriages are concluded at state registry offices, and in Soviet law only such marriages entail the rights and duties of spouses. If Soviet or foreign citizens marry in church in the USSR, they must at the same time register their marriage at a registry office. The spouses may choose to adopt the surname of either of them, or retain their previous surnames. Each of the spouses is free to choose his or her occupation, trade or profession and place of residence. Each has equal rights to property acquired during the period of marriage, this property being regarded as jointly owned. The spouses jointly resolve all questions bearing on family life, including the upbringing of children. In the USSR the family is protected by the state and the spouses are equal in matrimonial relations.

An important democratic provision of Soviet marriage and family law is the rule of law which states that the entry of aliens into matrimony with Soviet citizens does not entail changes in citizenship. Its purpose is to uphold the equality of the spouses. It is a fact, however, that in a number of countries in conformity with the rule of law of these countries the wife automatically acquires the citizenship of her husband or loses her citizenship without acquiring the citizenship of her husband. This naturally does not testify to the equality of man and woman in family relations. In 1957 the UN General Assembly adopted a Convention on the Nationality of Married Women establishing the principle of equality of man and woman. Despite this, it has not yet been possible to abolish this form of inequality.

In the USSR aliens, like Soviet citizens, are married at registry offices. This means that in the USSR marriages of aliens so registered shall be considered valid, even if the conditions for marriage in their own country are different.

Marriages between foreign citizens concluded in the USSR at embassies or consulates of foreign states shall be considered valid in the USSR on terms of reciprocity, if the persons concerned are citizens of the state appointing the ambassador or consul at the time of the marriage. In the USSR marriages between aliens and Soviet citizens, and also between aliens are dissolved on common legal grounds. The conclusion and dissolution of marriages between aliens outside the USSR, in keeping with the laws of the pertinent states, are recognised as valid in the Soviet Union.

In the last ten years alone over 15,000 Soviet citizens have registered marriages with aliens on the basis of Soviet law; many of the couples took up residence in the USSR, while 10,500 of the Soviet citizens who married aliens moved to the native countries of their spouses.

In the USSR foreign citizens can adopt children (those of both Soviet citizens and aliens residing in the USSR) in accordance with Soviet legislation. The rules for adoption by aliens, in the USSR, of children who happen to be Soviet citizens are established by the legislation of Union Republics.

INVIOLABILITY OF THE PERSON AND HOME, FREEDOM OF CONSCIENCE AND OTHER INDIVIDUAL RIGHTS

The Constitution of the USSR guarantees Soviet citizens inviolability of the person (Article 54) and of the home (Article 55). No one may be arrested except by a court decision or on the warrant of a procurator. No one may, without lawful grounds, enter a home against the will of those residing in it.

Soviet law guarantees foreign citizens, like Soviet citizens, inviolability of the person and the home.

The Soviet legal system regards the inviolability of the person and the right to that inviolability as one of the most essential human rights. Under the law officials may be called to account for unlawful arrest or detention. Presumption of innocence being strictly observed in the USSR, no one can be pronounced guilty of a crime or penalised, except by a court, as required by law. Compensation, in accordance with procedures established by law, may be paid to

citizens who have suffered damage through unlawful action by officials of state or public bodies.

Foreign citizens are guaranteed other personal rights, above all those provided for in Article 56 of the Constitution of the USSR. The article reads: "The privacy of citizens, and of their correspondence, telephone conversations, and telegraphic communications is protected by law." Foreign citizens are guaranteed respect for the individual and protection of their rights and freedoms.

The Constitution binds all Soviet state bodies, public organisations and officials to respect the individual and protect the rights and freedoms of citizens. It lays down that citizens of the USSR have the right to protection by the courts against encroachments on their honour and reputation, life and health, and personal freedom and property. They have the right to lodge a complaint, even in court, against the actions of officials, state bodies and public bodies. Article 37 of the Constitution of the USSR provides for the protection of rights of foreign citizens. Aliens have the right to apply to a court and other state bodies for the protection of their personal, property, family, and other rights. In court foreign citizens enjoy the same procedural rights as Soviet citizens.

The personal rights guaranteed to aliens include "freedom of conscience, that is, the right to profess or not to profess any religion" (Article 52, Constitution of the USSR). Freedom of conscience for Soviet citizens was first proclaimed and legislatively consolidated immediately after the October Revolution. Later, freedom of conscience became a Constitutional principle of the Soviet state.

Freedom of conscience for foreign citizens in the USSR has been laid down in Article 16 of the Law on the Legal Status of Foreign Citizens in the USSR. It states that foreign citizens staying in the USSR are guaranteed freedom of conscience on a par with citizens of the USSR. It also points out that incitement of animosity or hatred on religious grounds is prohibited.

The provisions of Soviet law on the freedom of conscience of both Soviet citizens and aliens in the USSR are in conformity with the legal rules set forth in Article 18 of the International Covenant on Civil and Political Rights.

TAXES AND DUTIES

Foreign citizens, like Soviet citizens, are obliged to pay taxes and duties, unless otherwise stipulated by USSR legislation. In principle, in the USSR foreign citizens thus receive the same treatment as Soviet citizens where taxation is concerned. This is provided for by Article 6 of the Decree on Income Tax Levied on Alien Juridical and Natural Persons of the Presidium of the USSR Supreme Soviet issued on May 12, 1978. In accordance with this article, the incomes of alien natural persons and their successors, derived from activity conducted within the territory of the USSR and permitted by established procedures, are subject to income tax levied in keeping with procedures in amounts provided by Soviet legislation on income taxes imposed on Soviet citizens. Income tax is also levied upon the sum of the fee paid to a foreign author (his successor) for the use of his work in the USSR (regardless of the place or currency of payment). The said income tax is imposed in amounts and in keeping with procedures established for fees paid to Soviet authors (their heirs) for the use of their works in the USSR. The aforementioned Decree of the Presidium of the USSR Supreme Soviet further states that if another state levies a higher or lower tax than in the Soviet Union upon incomes of similar categories received by Soviet citizens there, the USSR may reciprocate with respect to citizens of that country. This is in keeping with international practices of long standing. Double taxation or exemption from taxes and duties of alien juridical and natural persons may, in reciprocity, be discontinued or limited on the basis of international treaties signed by the USSR with other countries. The USSR may also end or limit the levying of taxes and duties upon alien juridical and natural persons, if their states reciprocate, i.e. are prepared to grant the same treatment to Soviet citizens. Income tax regulations for foreign citizens fully apply to stateless persons.

Foreign citizens (alien natural persons), like Soviet citizens, are required to pay other taxes and duties as required by Soviet legislation. This applies to local taxes, such as the tax imposed on owners of buildings, the land tax and tax paid by owners of vehicles. Under the Statute on Local Taxes approved by a Decree issued by the Presidium of the USSR Supreme Soviet, dated January 26, 1981, the tax on

owners of buildings is paid by Soviet citizens, alien juridical and natural persons and stateless persons on buildings they own in the USSR. The land tax is paid by co-operative enterprises, institutions, organisations, Soviet citizens, alien juridical and natural persons, and stateless persons on plots of land allocated to them for use in keeping with established procedures. The tax on owners of vehicles is paid by Soviet citizens, alien juridical and natural persons, and stateless persons on the automobiles, motorcycles, motor sledges and motor boats (launches and yachts) they own. Local tax concessions may be granted to aliens as to Soviet citizens.

The procedure for the exaction of arrears of taxes and non-tax duties is the same for both Soviet citizens and aliens, as prescribed in the Statute on the Exaction of Arrears of Taxes and Non-Tax Duties approved by a Decree of the Presidium of the USSR Supreme Soviet, dated January 26, 1981. The statute stipulates that arrears of taxes, self-taxation of rural residents, obligatory state insurance due from Soviet and foreign citizens and stateless persons, and arrears of taxes and other duties due from alien juridical persons may be exacted only by a court decision. If an alien believes that the taxes levied from him in the USSR are not in keeping with the law, he may file an application with the Ministry of Finance of the USSR which will examine it and render a decision within three months. If the Ministry finds the application valid, it or the local finance bodies shall reimburse the excess sums or shall grant tax concessions. In such cases the decision of the Ministry of Finance is final.

While both Soviet citizens and aliens are required to comply with the same regulations on general taxes, aliens do not have to pay special taxes collected from Soviet citizens only. The tax on bachelors and childless Soviet citizens, for instance, introduced by a Decree of the Presidium of the USSR Supreme Soviet in 1941 affects Soviet citizens only. It is not imposed on aliens in the USSR.

ENTRY, EXIT, TRANSIT, MOVEMENT OVER THE TERRITORY OF THE USSR AND CHOICE OF PLACE OF RESIDENCE

In the early period of Soviet government a procedure was introduced for granting permits to enter and leave the

country, valid both for Soviet citizens and aliens. The issue of an entry permit to a foreigner does not mean that he will be granted the right of permanent residence in the country, for which special permission is needed.

Foreign citizens may enter the USSR on valid passports or substitute papers, provided they have been issued visas by competent Soviet bodies. In conformity with the Statute on Entry into the USSR and Exit from the USSR, approved by a decision of the USSR Council of Ministers, dated September 22, 1970, visas for entry into the USSR are issued to foreign citizens and stateless persons by Soviet embassies, missions, or consulates, or in other cases by specially authorised Soviet representatives. The Law on the Legal Status of Foreign Citizens in the USSR provides that a foreign citizen may be refused entry into the USSR:

1) in the interests of state security or public order;

2) if this is essential to protect the rights and legitimate interests of citizens of the USSR and other persons;

3) if during the previous stay in the USSR of the person in question he or she has been found to violate the legislation on the legal status of foreign citizens in the USSR, customs, currency or other Soviet laws;

4) if, when applying for entry permission, he or she has supplied false information about himself or herself, or failed to submit the necessary documents;

5) on other grounds stipulated by the legislation of the Union of Soviet Socialist Republics.

The grounds on which entry of foreign citizens into the USSR is restricted are therefore not of a discriminatory character.

Foreign citizens may leave the USSR on valid passports or substitute papers, provided permission has been granted by competent Soviet authorities.

Exit visas are issued by the Ministry for Foreign Affairs of the USSR, Ministries for Foreign Affairs of Union Republics, Diplomatic Agencies of the Ministry for Foreign Affairs of the USSR, Ministry of Internal Affairs of the USSR, Ministries of Internal Affairs of Union and Autonomous Republics, Departments of Internal Affairs under executive committees of territorial, regional, city and town Soviets of People's Deputies in accordance with established procedures.

If a foreign citizen or stateless person enters the USSR for a limited period of time, he or she may be granted an exit visa in another country (entry-exit visa). Such visas are issued by Soviet embassies, missions, consulates or, in other cases, by specially authorised Soviet representatives.

A foreign citizen may be denied exit from the USSR:

1) if there are grounds for instituting criminal proceedings against him or her—until the proceedings are over;

2) if he or she has been sentenced by court for a crime—until the person concerned has served his or her term, or has been released from punishment;

3) if his or her departure is in conflict with the interests of state security—until the circumstances preventing departure are no longer effective;

4) if there are other grounds, stipulated by the legislation of the Union of Soviet Socialist Republics, preventing departure.

The exit of a foreign citizen from the USSR may be postponed until he or she fulfils his or her property obligations affecting the essential interests of citizens of the USSR or other persons, and also state, co-operative or other organisations.

Such restrictions on the exit of foreigners are widely practised to protect the interests of the state or individual citizens. Measures like these are provided for both in the domestic laws of various states and in international acts (see, for instance, Article 12 of the International Covenant on Civil and Political Rights).

Soviet legislation also makes provision for transit of foreign citizens through the territory of the USSR. Foreign citizens passing through the USSR in transit are to observe the pertinent regulations as they proceed to the exit frontier post along a pre-arranged route. They may stop over in Soviet territory, provided they have been granted permission by competent Soviet bodies.

These are the main legislative provisions governing the entry into, exit from and transit through the USSR, of foreign citizens.

Soviet law resolves the specific practical matters involved in full conformity with generally accepted international practices. The present author does not intend to deal with these regulations in detail. He would like, however, to point

out the following. Like Soviet citizens, aliens proceeding abroad or travelling to the USSR by whatever form of transport have to pass through customs and passport control. To ensure safety of flight, and to protect the lives and health of passengers and air crews, the airport customs authorities, in the event of valid suspicion, may examine luggage and handbags and, in exceptional cases, make a body search of an air passenger (passengers) suspected of unlawfully carrying dangerous items, such as weapons, poisons or explosives. These measures are taken on both internal and international flights in accordance with an established procedure in full conformity with international practice. Citizens of all countries entering or departing from the USSR, and the property they are bringing into or taking out of the country are subject to passport, customs, currency, sanitary, quarantine and other regulations operative in the USSR bearing on entry, exit, bringing in and taking out of property and on transit through Soviet territory.

Foreign citizens may travel through Soviet territory and choose their place of residence in accordance with the procedure established by Soviet legislation. Restriction on movement and choice of residence may be imposed if this is necessary to ensure state security, to safeguard public order or the health and morals of the population, and to protect the rights and legitimate interests of Soviet citizens or other persons.

The procedure governing the movements of foreign citizens in the USSR and choice of place of residence, which is currently in force, is based on Article 19 of the Law on the Legal Status of Foreign Citizens in the USSR. It is fully in keeping with international practices and with the provisions of Article 12 of the International Covenant on Civil and Political Rights.

LIABILITY FOR BREACHES OF THE LAW

A foreign citizen guilty of a breach of the law, is liable just like a citizen of the USSR. This principle is laid down in legislation (criminal, civil, administrative, labour, etc.) currently effective in the USSR. It follows logically from the fact that in the USSR aliens are granted the same treatment as Soviet citizens.

If a foreign citizen is guilty of violating regulations governing his or her stay in the USSR, i.e. living without papers establishing the right to residence in the USSR or living on the basis of papers that are no longer valid, failure to observe the established procedures for registration or movement, evasion of departure after the period of stay has expired, and failure to observe the regulations governing transit through Soviet territory, he or she may be issued with a warning or fined a sum of up to 50 roubles. The penalty is imposed by internal affairs' bodies.

Malicious violations by foreign citizens of the regulations governing their stay in the USSR entail criminal proceedings under the law.

In keeping with international practice Soviet law also provides for expulsion of aliens from the country. This measure can be applied to aliens under Article 13 of the International Covenant on Civil and Political Rights [1]. It is also provided for in the legislation of other countries, such as Poland, Yugoslavia, France, the USA and Great Britain.

An alien may be expelled from the USSR only in three cases specifically stipulated by law, namely,

1) if his or her activities are in conflict with the interests of state security or public order;

2) if this is necessary to protect the health and morals of the population, or the rights and legitimate interests of Soviet citizens or other persons;

3) if he or she has grossly violated the legislation on the status of foreign citizens in the USSR, customs, currency, or other Soviet laws.

The decision on expulsion shall be taken by competent Soviet bodies. The foreign citizen shall be obliged to leave the USSR within the time limit stated in the decision. Aliens attempting to evade departure may, with the sanction of the procurator, be detained for forcible expulsion. Detention is permitted for the time needed for expulsion.

Such action is taken only against aliens who are guilty of abusing Soviet hospitality and of violating Soviet laws and regulations. Foreign citizens who come to the USSR with good will are accorded a warm welcome. Soviet people

[1] Under Article 13 of the International Covenant on Civil and Political Rights, "an alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law..."

receive them with open hearts and they are given every opportunity to get to know the country with its historical monuments and art, economy and culture.

* * *

We have thus acquainted the reader with the main provisions of Soviet legislation dealing with the rights, freedoms and duties of foreign citizens and stateless persons in the USSR.

In keeping with universally accepted international practices, states frequently make certain allowances with respect to citizens of specific states, thereby extending the general status of aliens. Such provisions are normally laid down in special international treaties. They envisage special rights and privileges for citizens of specific states, which are not extended to all other aliens. The USSR has concluded many such treaties with other states. Under Soviet law, reciprocity is essential when granting additional rights and privileges to citizens of another state. An illustration of this point are the treaties on legal assistance the USSR has concluded with other countries over the last few decades. The Treaty between the USSR and the Finnish Republic on Legal Protection and Legal Assistance in Civil, Family and Criminal Cases, dated August 11, 1978, concluded in accordance with the Final Act of the Conference on Security and Co-operation at Helsinki, provides additional guarantees of the inviolability of witnesses, experts, victims and other persons who are citizens of the USSR and Finland when legal assistance is granted (Articles 9 and 10), provides for the recognition of decisions on the separation (separate residence) of spouses (Article 23), and for the granting of equal treatment to aliens in inheritance (Article 24). The Treaty on Legal Assistance Between the USSR and the GDR concluded on September 19, 1979, provides for the reciprocal exemption of citizens from collateral security and payment of legal costs (Articles 3 and 4), defines the legislation to be applied to the conclusion and dissolution of marriages (Articles 27-31), the adoption of children (Articles 35-36) and inheritance (Articles 41-50). The treaties the USSR has concluded with other countries, which, in reciprocity, supplement the status of citizens of the given state in the USSR, provide for similar and other rules of law.

LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LEGAL STATUS OF FOREIGN CITIZENS IN THE USSR

I. GENERAL PROVISIONS

Article 1. Foreign Citizens in the USSR

Persons who are not citizens of the USSR and who possess proof of their citizenship of a foreign state are recognised in the USSR as foreign citizens.

Under the Constitution of the USSR, foreign citizens in the USSR are guaranteed the rights and freedoms provided for by law.

Article 2. Legislation of the Legal Status of Foreign Citizens in the USSR

The legislation of the Union of Soviet Socialist Republics on the legal status of foreign citizens in the USSR comprises the present Law and other legislative acts of the Union of Soviet Socialist Republics on the legal status of foreign citizens in the USSR in accordance with the Constitution of the USSR.

The legislation of a Union Republic determines questions bearing on the legal status of foreign citizens referred to its jurisdiction by the legislation of the Union of Soviet Socialist Republics and by the Constitution of the Union Republic.

The legal status of foreign citizens in the USSR can

also be determined on the basis of international treaties signed by the USSR.

Article 3. Principles Governing the Legal Status of Foreign Citizens in the USSR

Foreign citizens in the USSR enjoy the same rights and freedoms and have the same duties to discharge as citizens of the USSR, unless otherwise stipulated by the Constitution of the USSR, the present Law and other Soviet legislative acts.

Foreign citizens in the USSR are equal before the law, irrespective of origin, social or property status, race or nationality, sex, education, language, attitude towards religion, type and nature of occupation or other circumstances.

The Council of Ministers of the USSR may impose restrictions, in reciprocity, with respect to citizens of states that have established special restrictions affecting the rights and freedoms of citizens of the USSR.

Exercise by foreign citizens in the USSR of their rights and freedoms should not damage the interests of Soviet society or the state, or infringe on the rights and legitimate interests of citizens of the USSR and other persons.

Article 4. Duty to Respect the Constitution of the USSR and to Observe Soviet Laws

Exercise of the rights and freedoms granted to foreign citizens in the USSR is inseparable from the discharge of duties and obligations stipulated by Soviet legislation.

Foreign citizens staying in the USSR are obliged to respect the Constitution of the USSR, observe Soviet laws, and respect the rules of socialist community and the traditions and customs of the Soviet people.

Article 5. Foreign Citizens Permanently Residing or Temporarily Staying in the USSR

Foreign citizens may take up permanent residence in the USSR if they have been granted permission and have been issued a residence permit by the organs of internal affairs.

Foreign citizens staying in the USSR on other legal grounds are regarded as persons staying temporarily in the USSR. They are obliged to have their passports or papers replacing them registered as required by the established

procedure and leave the USSR upon expiry of the period of stay set for them.

Article 6. Granting of Asylum

The USSR and Union Republics grant the right of asylum to foreign citizens persecuted for defending the interests of the working people and the cause of peace, or for participation in the revolutionary and national liberation movements, or for progressive social and political, scientific or other creative activity.

The decision to grant asylum is taken by the Presidium of the USSR Supreme Soviet or the Presidium of the Supreme Soviet of a Union Republic.

II. BASIC RIGHTS, FREEDOMS, AND DUTIES OF FOREIGN CITIZENS IN THE USSR

Article 7. Work and Employment

Foreign citizens permanently residing in the USSR may hold factory and office jobs at enterprises, institutions and organisations or hold any other kind of job on the grounds and in keeping with the procedures established for citizens of the USSR.

Foreign citizens temporarily staying in the USSR may work in the USSR if this is compatible with the purposes of their stay in the USSR.

Foreign citizens are not eligible for appointment to certain posts, nor can they engage in certain types of work if, under Soviet legislation, citizenship of the USSR is a necessary condition for appointment to these posts or engagement in this work.

Foreign citizens enjoy rights and perform duties as regards their work on a par with citizens of the USSR.

Article 8. Rest and Leisure

Foreign citizens staying in the USSR have the right to rest and leisure on the same general grounds as citizens of the USSR.

Article 9. Health Protection

Foreign citizens staying in the USSR have the right to health protection.

Foreign citizens permanently residing in the USSR are entitled to medical care on the same grounds as citizens of the USSR.

Foreign citizens temporarily staying in the USSR are rendered medical care in keeping with procedures established by the USSR Ministry of Public Health.

Article 10. Social Security

Foreign citizens permanently residing in the USSR have the right to allowances and pensions and to other forms of social security on the same general grounds as citizens of the USSR.

Foreign citizens temporarily staying in the USSR have the right to receive allowances and pensions and to enjoy other forms of social security on the grounds and in keeping with the procedures established by the legislation of the Union of Soviet Socialist Republics.

In cases when it is necessary to have worked for a specific period of time to be entitled to a pension, foreign citizens may have the period of work abroad included in their record on the grounds and in keeping with the procedures established by the legislation of the Union of Soviet Socialist Republics.

Article 11. Provision of Housing

Foreign citizens permanently residing in the USSR have the right, on the grounds and in keeping with the procedures established for citizens of the USSR, to receive for use housing space in blocks of flats of the state or public housing fund, or in housing construction co-operatives.

Foreign citizens shall take good care of the housing allocated to them and observe the regulations governing the use of housing.

Article 12. Property and Personal Non-Property Rights

Under Soviet legislation, foreign citizens may own in the USSR a house and other property as their own personal property, inherit or bequeath property, and have the right of authorship to works of science, literature and art, of discoveries, inventions, innovations, industrial designs (models), and also other property and personal non-property rights.

Article 13. Education

Foreign citizens in the USSR have the right to education on a par with citizens of the USSR, in keeping with the procedures established by the legislation of the Union of Soviet Socialist Republics.

Foreign citizens enrolled in Soviet educational establishments enjoy the same rights and have the same duties to discharge as Soviet students in accordance with Soviet legislation.

Article 14. Access to Culture

Foreign citizens in the USSR have the right to enjoy cultural benefits on a par with Soviet citizens.

Foreign citizens in the USSR shall take good care of historical and cultural monuments and other items of cultural value.

Article 15. Membership of Public Organisations

Foreign citizens permanently residing in the USSR have the right to join, on the same general grounds as citizens of the USSR, trade unions, co-operative organisations, scientific, cultural and sports societies, and other mass organisations, unless this contravenes the rules (statutes) of these organisations.

Article 16. Freedom of Conscience

Foreign citizens staying in the USSR are guaranteed freedom of conscience on a par with citizens of the USSR.

Incitement of hostility and hatred on grounds of religious beliefs is prohibited.

Article 17. Matrimonial and Family Relations

Foreign citizens in the USSR may conclude and dissolve marriages with citizens of the USSR or other persons in accordance with Soviet legislation.

Foreign citizens in the USSR enjoy rights and have duties to discharge in matrimonial and family relations on a par with citizens of the USSR.

Article 18. Inviolability of the Person and of the Home

In accordance with Soviet legislation, foreign citizens are guaranteed in the USSR inviolability of the person and of the home and other personal rights.

Article 19. Movement Through the Territory of the USSR and Choice of Place of Residence

Foreign citizens may move through the territory of the USSR and choose their place of residence in accordance with the procedures established by the legislation of the Union of Soviet Socialist Republics. Restrictions on movement and choice of residence may be imposed when necessary to ensure state security, safeguard public order and the health and morals of the population, and protect the rights and legitimate interests of citizens of the USSR and other persons.

Article 20. Taxes and Duties

Foreign citizens in the USSR are subject to taxation and payment of duties on the same general grounds as citizens of the USSR, unless otherwise stipulated by the legislation of the Union of Soviet Socialist Republics.

Article 21. Protection of the Rights of Foreign Citizens

Foreign citizens in the USSR have the right to apply to courts and other state bodies to seek protection of personal, property, family and other rights granted to them.

Foreign citizens enjoy the same procedural rights in court as citizens of the USSR.

Article 22. Eligibility for the Franchise

Foreign citizens in the USSR do not have the right to vote or be elected to Soviets of People's Deputies or other elective state bodies, or to take part in nationwide voting (referendums).

Article 23. Eligibility for Military Service

Foreign citizens are not liable to military service in the ranks of the Armed Forces of the USSR.

III. FOREIGN CITIZENS' ENTRY INTO AND EXIT FROM THE USSR

Article 24. Entry into the USSR

Foreign citizens may enter the USSR on the strength of valid passports or papers replacing them, provided they

have been granted permission by competent Soviet authorities.

A foreign citizen may be denied entry into the USSR:

1) in the interests of state security or public order;

2) if this is essential to protect the rights and legitimate interests of citizens of the USSR and other persons;

3) if during the previous stay in the USSR of the person in question, he or she has been found to violate the legislation on the legal status of foreign citizens in the USSR, customs, currency or other Soviet laws;

4) if, when applying for an entry visa, he or she has supplied false information about himself or herself, or failed to submit the necessary papers;

5) on other grounds stipulated by the legislation of the Union of Soviet Socialist Republics.

Article 25. Exit from the USSR

Foreign citizens shall leave the USSR on valid passports or papers replacing them, provided they have been granted permission by competent Soviet authorities.

A foreign citizen shall be denied exit from the USSR:

1) if there are grounds for instituting criminal proceedings against him or her—until the proceedings are over;

2) if he or she has been sentenced by a court for a crime—until the person concerned has served his or her term or has been released from punishment;

3) if his or her exit is in conflict with the interests of state security—until the circumstances preventing his or her exit are no longer effective;

4) if there are other grounds, stipulated by the legislation of the Union of Soviet Socialist Republics, that prevent departure.

Exit of a foreign citizen from the USSR may be postponed until he or she has fulfilled his or her obligations affecting the essential interests of citizens of the USSR or other persons, and also state, co-operative or other public organisations.

Article 26. Transit

Foreign citizens passing in transit through the territory of the USSR are to observe all pertinent regulations, as they proceed to the exit frontier post along a pre-arranged

route. They may stop over in Soviet territory, provided they have been granted permission by competent Soviet bodies.

Article 27. Regulations on Entry into the USSR, Exit from the USSR and Transit of Foreign Citizens Through the Territory of the USSR

Regulations governing entry into the USSR of foreign citizens, their exit from the USSR and transit through the territory of the USSR shall be stipulated by the present Law and by other legislative acts of the Union of Soviet Socialist Republics.

IV. LIABILITY OF FOREIGN CITIZENS. CURTAILMENT OF THE PERIOD OF STAY. EXPULSION

Article 28. Grounds of Liability for Breaches of the Law

Foreign citizens who have committed crimes or administrative or other violations of the law within the territory of the USSR are liable on the same general grounds as citizens of the USSR.

Article 29. Liability for Violation of Regulations Governing Stay in the USSR or Transit Through the Territory of the USSR

Violations by foreign citizens of regulations governing their stay in the USSR, i.e. living without papers establishing the right to residence in the USSR or living on the basis of papers that are no longer valid, failure to observe procedures for registration, or residence permit or movement, or choice of residence, failure to depart after the fixed period of stay has expired, and also failure to observe regulations governing transit through the territory of the USSR, shall entail administrative punishment—a warning, or a fine of up to 50 roubles.

Punishment shall be administered by organs of internal affairs.

Malicious violations by foreign citizens of regulations governing their stay in the USSR or their transit through the territory of the USSR entail criminal liability.

Article 30. Curtailment of the Period of Stay in the USSR

A foreign citizen violating the legislation on the legal status of foreign citizens in the USSR may have the prearranged period of stay in the USSR shortened.

The period of stay of a foreign citizen in the USSR may also be shortened if the grounds for his or her further stay have ceased to be effective.

The decision on shortening the period of stay shall be taken by organs of internal affairs.

Article 31. Expulsion from the USSR

A foreign citizen may be expelled from the USSR:

1) if his or her activities are in conflict with the interests of state security or public order;

2) if this is necessary to protect the health and morals of the population, or the rights and legitimate interests of citizens of the USSR or other persons;

3) if he or she has flagrantly violated the legislation on the legal status of foreign citizens in the USSR, customs, currency, or other Soviet laws.

The decision on expulsion shall be taken by competent Soviet bodies. The foreign citizen in question shall be obliged to leave the USSR within the time limit stipulated in the decision. Those attempting to avoid deportation may, with the sanction of the procurator, be detained for forcible expulsion. Detention is permitted for the time needed for expulsion.

V. FINAL PROVISIONS

Article 32. Application of the Law to Stateless Persons

The provisions of the present Law are applicable to stateless persons in the USSR, unless otherwise stipulated by the legislation of the Union of Soviet Socialist Republics.

Article 33. Privileges and Immunities of the Heads and Staff Members of Missions of Foreign States and Other Persons

The provisions of the present Law shall not affect the privileges and immunities of the heads and staff members

of foreign diplomatic and consular missions and of other persons as they are established by the legislations of the Union of Soviet Socialist Republics and by international treaties signed by the USSR.

L. BREZHNEV,

Chairman of the Presidium of the USSR Supreme Soviet

M. GEORGADZE,

Secretary of the Presidium of the USSR Supreme Soviet

The Kremlin, Moscow,
June 24, 1981

DECISION OF THE USSR SUPREME SOVIET ON THE ENACTMENT OF THE LAW OF THE USSR ON THE LEGAL STATUS OF FOREIGN CITIZENS IN THE USSR

The Law of the USSR on the Legal Status of Foreign Citizens in the USSR having been passed, the Supreme Soviet of the Union of Soviet Socialist Republics decrees that:

1. The Law of the USSR on the Legal Status of Foreign Citizens in the USSR be enacted as of January 1, 1982.

2. The Presidium of the USSR Supreme Soviet be instructed to bring the legislation of the Union of Soviet Socialist Republics into conformity with the Law of the USSR on the Legal Status of Foreign Citizens in the USSR.

L. BREZHNEV,
Chairman of the Presidium of the USSR Supreme Soviet

M. GEORGADZE,
Secretary of the Presidium of the USSR Supreme Soviet

The Kremlin, Moscow,
June 24, 1981

Nikolai MIRONOV

The Legal Status of Foreign Citizens in the USSR

Dear Reader,
Please fill out the following questionnaire and send it to:
Novosti Press Agency Publishing House
7 Bolshaya Pochtovaya Street, 107082 Moscow, USSR

1. What is your opinion of the subject matter of this publication?

2. . . .its language and style?

3. . . . its design and general appearance?

4. How long have you been familiar with Novosti publications? Which of them interested you most?

5. Where did you obtain this publication?

6. What would you like to know about life in the Soviet Union?

Your occupation Age Sex

Country of residence

Name (optional)

Address (optional)

Should you prefer to give your comments in a separate letter, please mention the exact title of the publication you are writing about.

Thank you for your kind co-operation

Novosti Publishers

Николай Владимирович Миронов
ИНОСТРАНЦЫ В СССР:
ПРАВА, СВОБОДЫ, ОБЯЗАННОСТИ
на английском языке

NIKOLAI MIRONOV

Nikolai MIRONOV, D. Sc. (Law), was born in 1921 in Vitebsk, in Byelorussia. A graduate of the Moscow Institute of Law, he is an expert on international law and Soviet legislation on international relations. He is the author of several books, including monographs such as *Soviet Legislation and International Law* (1968), *Legal Regulation of the USSR's External Relations. 1917-1970* (1971), and *Law, Progress and Peace* (1971).

This pamphlet examines the legal status of foreigners in the USSR, their rights, freedoms and duties in keeping with the new Law of the Union of Soviet Socialist Republics on the Legal Status of Foreign Citizens in the USSR adopted by the USSR Supreme Soviet in 1981.